

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12817 of Robert Richardson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot area and lot width requirements (Sub-section 3301.1) to permit the construction of a flat in the R-4 District at the premises 325 Eye Street, N.E., (Square 776, Lot 20).

HEARING DATE: January 24, 1979

DECISION DATE: February 28, 1979

FINDINGS OF FACT:

1. The subject property is located on the south side of Eye Street, approximately 100 feet west of its intersection with 4th Street, N.E. and is known as 325 Eye Street, N.E. It is in an R-4 District.
2. To the south of the subject premises is an alley abutting the rear yards of dwellings which front on 4th Street in the R-4 District. To the west, is an alley abutting row and semi-detached dwellings in the C-M-1 District.
3. The property is presently unimproved. The applicant purchased the property about one year ago. At that time the property was improved with a two story frame building with a sub-basement. The structure was condemned and razed by the District of Columbia Government. The structure predated the Zoning Regulations and would have been classified as non-conforming.
4. The applicant proposes to construct a two story flat of brick construction and a parking pad for one automobile.
5. The present site is now used by the neighborhood to park cars.

6. A flat is permitted as a matter of right in the R-4 District.

7. The subject property consists of 1,232.50 square feet of land area and has a lot width of 14.56 feet. Residential development of the nature proposed is required to provide a lot area of 1,800 square feet and a lot width of eighteen feet. To improve this lot, the proposed dwelling would require variances of 567.60 square feet of lot area and 3.44 feet of width.

8. The proposed development complies with the lot occupancy, rear yard and parking requirements of the Zoning Regulations.

9. The applicant testified that he plans to occupy one of the apartments and will rent out the second apartment. He cannot afford to construct a single family development. The income from the second apartment will be used to defray expenses.

10. The requested area variances will allow the development of the subject site in a manner consistent with the existing neighboring development to the east and west, and will replace the dwelling which formerly occupied the site.

11. The abutting property owner to the east of the subject property and the property owner/resident across the alley to the west of the subject property both have signed statements indicating they have no objection to the proposed development.

12. The Office of Planning and Development by report dated December 5, 1978 recommended that the application be granted. It was of the opinion that a practical difficulty existed since the lot existed prior to the current Zoning Regulations and it was made non-conforming when the Zoning Regulations were adopted on May 12, 1958. Also, because of the size of the lot it is not possible to meet the area requirements of the Zoning Regulations for a flat, single family dwelling or any other use. The applicant cannot expand in any direction. The Board so finds.

13. Advisory Neighborhood Commission 2C made no recommendation on the application.

14. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant seeks area variances the granting of which requires a showing of a practical difficulty stemming from the property itself. The Board concludes that this practical difficulty exists in the very lot area and lot width of the property and that the property is bordered by alleys to its west and south and improved property to its east. The applicant can not expand in any direction. The Board further notes that there was no opposition to the application. Indeed the two closest neighbors recommended approval the application. The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (William F. McIntosh, Theodore F. Mariani, Chloethiel Woodard Smith and Leonard L. McCants to grant, Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 30 MAR 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.